

#### IV. REMARKS

1. The specification is amended to add "What is claimed is:", prior to the claims.
2. Applicant appreciates the Examiner's indication of the allowability of claims 2-7 and 15.
3. It is respectfully submitted that claims 8, 9, 12 and 16 are not unpatentable over Saito under 35 U.S.C. §103(a).

Claim 8 is directed to a diversity receiver having at least two reception branches, receiving on one operating frequency and making measurements on another frequency.

This is not disclosed or suggested by Saito. Applicant's invention is related to a case in which the receiver is actively communicating on a certain communications frequency and also wants to make measurements on other communications frequencies in order to find out how much other traffic and noise there is on the other communications frequencies. (see page 1, lines 24-25 of the specification) In Saito's arrangement, the mobile station communicating on a communications frequency detects the received electric field intensity of a pilot/sync signal coming from the base station with a second radio frequency. Saito sends the detected information to the base station for use in slot allocation and power management processes (see the end of abstract in Saito). This is not the same as receiving on one operating frequency and making measurements on another frequency as is claimed by Applicant.

Saito, in Col. 9, lines 7-61, referred to by the Examiner, does not teach turning at least one reception branch to other than the operating frequency and directing the signal received on this

other frequency to a measuring receiver. This section of Saito merely deals with receipt of time slots in a paying channel and re-ordering the bits. Nothing here relates to making frequency specific measurements in a diversity receiver which receives at one operating frequency and makes measurements on another frequency. Thus, at least the above features are not disclosed or suggested by Saito.

Also, Applicant's invention, as recited in claim 8, is directed to a "diversity receiver." Saito does not disclose or suggest a diversity receiver. Saito's receiver does not have parallel diversity branches, one of which could be selectively used to either provide a diversity component to the combination of received signal components or to make measurements.

Furthermore, claim 8 recites that the "tuning of at least one branch of the diversity receiver to other than the operating frequency is timed according to a certain predefined timetable". Saito does not disclose any correspondence between tuning something in the receiver to another frequency according to some predetermined timetable. Saito describes a kind of mixed CDMA/TDMA solution, in which the receiver despreads the CDMA signal first and selects the appropriate slot only thereafter. This is said very clearly in Col. 9, lines 49-52, for inversely spreading and IF filtering, and lines 54-59 for separating the desired information from a demodulated signal on the basis of TDMA slot selection. Saito's receiver is not tuned to some reception frequency according to any slot timetable, but stays tuned to receive the CDMA signal and only selects the contents of the appropriate slot according to the slot timetable.

As recited in claim 8, one branch of the RAKE receiver is tuned onto a frequency other than the principal reception frequency

according to a timetable known to the transmitter. This is not disclosed in Saito, which only discloses separating information from a demodulated signal according to a timetable known to the transmitter.

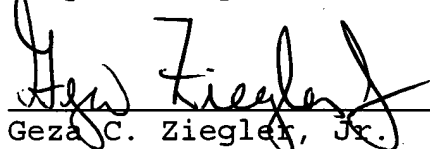
For at least the foregoing cited differences, Saito does not disclose or suggest Applicant's invention according to claim 8. Claim 16 recites similar subject matter and should be allowable for the same reasons. Claims 9 and 12 should be allowable at least by reason of their respective dependencies.

4. Claim 13 should be allowable at least by reason of its dependency on claim 8.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

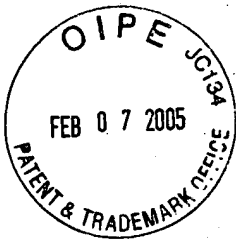
Respectfully submitted,

  
Geza C. Ziegler, Jr.

Reg. No. 44,004

3 FEB 2005  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800 Ext. 134  
Customer No.: 2512



# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 2/3/2005

Signature: Marg Mirm  
Person Making Deposit